

Notice of Allowability

Application No.

09/675,650

Examiner

MISOOK YU

Applicant(s)

BUSSE ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/19/2007.
2. ☒ The allowed claim(s) is/are 4, 6, 9-11, 24, 26, 35-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

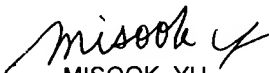
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MISOOK YU
Primary Examiner
Art Unit: 1642

Listing of the Claims

This listing of claims will replace all prior versions and listings of claims in the application.

Claims 1-3 (Cancelled)

4. (Previously presented) An isolated nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO:1, wherein said isolated nucleic acid molecule is associated with a non-malignant prostatic state.

5. (Cancelled)

6. (Previously presented) An isolated nucleic acid molecule consisting of at least 12 nucleotides which specifically hybridizes to a PCA3 mRNA associated with a non-malignant prostatic state, wherein said isolated nucleic acid molecule is or is complementary to a nucleotide sequence consisting of at least 12 consecutive nucleotides from nucleotides 27 to 254 of SEQ ID NO:1.

Claims 7-8 (Cancelled)

9. (Previously presented) A kit for detecting the presence of PCA3 mRNAs associated with a non-malignant prostatic state in a sample, comprising at least one container means having disposed therein the isolated nucleic acid molecule of claim 6.

10. (Currently amended) A recombinant nucleic acid molecule comprising, 5' to 3', a heterologous promoter effective to initiate transcription in a host cell and the isolated nucleic acid molecule of claim 4.

11. (Previously presented) An isolated cell that contains the recombinant nucleic acid molecule of claim 10.

Claims 12-23 (Cancelled)

24. (Previously presented) An isolated nucleic acid molecule comprising the nucleic acid sequence from nucleotides 27 to 254 of SEQ ID NO:1, wherein said isolated nucleic acid molecule is associated with a non-malignant prostatic state.

Claim 25 (Cancelled)

26. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said isolated nucleic acid molecule consists of the sequence of SEQ ID NO:4.

Claim 27-34 (Cancelled)

35. (Currently amended) A recombinant nucleic acid molecule comprising, 5' to 3', a heterologous promoter effective to initiate transcription in a host cell and the isolated nucleic acid molecule of claim 24.

36. (Previously presented) An isolated cell that contains the recombinant nucleic acid molecule of claim 35.

37. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said nucleic acid molecule consists of 15 to 50 nucleotides.

38. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said nucleic acid molecule consists of 18 to 50 nucleotides.

39. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said nucleic acid molecule consists of 20 to 50 nucleotides.

40. (Previously presented) A kit for detecting the presence of differentially expressed PCA3 mRNAs in a sample comprising at least one container having disposed therein the isolated nucleic acid molecule of claim 37.

41. (Previously presented) A kit for detecting the presence of differentially expressed PCA3 mRNAs in a sample comprising at least one container having disposed therein the isolated nucleic acid molecule of claim 38.

42. (Previously presented) A kit for detecting the presence of differentially expressed PCA3 mRNAs in a sample comprising at least one container having disposed therein the isolated nucleic acid molecule of claim 39.

43. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said nucleic acid molecule consists of 12 to 50 nucleotides.

44. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said nucleic acid molecule consists of 15 to 24 nucleotides.

45. (Previously presented) A kit for detecting the presence of differentially expressed PCA3 mRNAs in a sample comprising at least one container having disposed therein the isolated nucleic acid molecule of claim 43.

46. (Previously presented) A kit for detecting the presence of differentially expressed PCA3 mRNAs in a sample comprising at least one container having disposed therein the isolated nucleic acid molecule of claim 44.

47. (Previously presented) The isolated nucleic acid molecule of claim 4, wherein said non-malignant prostatic state is benign prostate hyperplasia.

48. (Previously presented) The isolated nucleic acid molecule of claim 6, wherein said non-malignant prostatic state is benign prostate hyperplasia.